

# Notice of Allowability

Application No.

10/662,200

Examiner

Thong Q. Nguyen

Applicant(s)

VANSTONE ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12/14/06.
2. ☒ The allowed claim(s) is/are 1, 3, 5-13 and 15-20 which are renumbered as claims 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THONG NGUYEN  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office action is made in response to the amendment filed on 12/14/2006. It is noted that in the amendment, applicant has amended the specification and the claims 3 and 16. The pending claims 1, 3, 5-13 and 15-20 are examined in this Office action. Note that claims 4 and 14 were canceled in the amendment of March 3, 2005, and claim 2 was canceled in the amendment of Sept. 1, 2006.

### ***Drawings***

2. The drawings of the application contain figures 1 and 4 as originally filed on Sept. 11, 2003 and figures 2 and 3 as listed in the replacement sheet filed on March 3, 2005.

### ***Specification***

3. The objection to the specification is overcome by the amendment to the specification as provided in the amendment of 12/14/06.

### ***Claim Objections***

4. The objections to claims 3 and 16 are overcome by the amendment to the claims as provided in the amendment of 12/14/06.

### ***Allowable Subject Matter***

5. Claims 1, 3, 5-13 and 15-20 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

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a) The three mirror off-axis anastigmatic optic as recited in the independent claim 1 and the method of making an off-axis three mirror anastigmatic optic as recited in each of independent claims 11 and 19 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 4,240,707; 6,667,831; 4,737,021; 5,114,555 and 5,862,726 by the limitations related to the structure of the three mirrors. It is noted that while the use of three mirrors for directing light from an object to a receiving system is known to one skilled in the art as can be seen in each of the mentioned Patents, and the formation of the primary and tertiary mirrors on the same substrate is disclosed in each of the Patent Nos. 5,114,555 and 5,862,726; however, the cited art does not disclose that the primary and tertiary mirrors abut one another, and a vertex common to the primary and tertiary mirrors is located at a junction of the primary and tertiary mirrors as claimed.

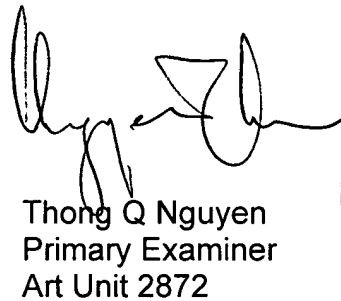
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen  
Primary Examiner  
Art Unit 2872

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